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MCLEAN, VA 22102

Paper No.

COPY MAILED

DEC 27 2004

OFFICE OF PETITIONS

In re Application of :
Satoshi Harada, Edward Hume, :
James Willis, Kevin Chamness, : DECISION ACCORDING STATUS
Hieu Lam, Hongyu Yue and : UNDER 37 CFR 1.47(a)
David Fatke :
Application No. 10/776,452 :
Filed: February 12, 2004 :
Attorney Docket No. 071469-0307698 :
Title: METHOD FOR AUTOMATIC :
CONFIGURATION OF PROCESSING SYSTEM :
:

This is a decision on the "PETITION UNDER 37 C.F.R. § 1.47(a)," filed September 28, 2004.

The petition is **GRANTED**.

The above-identified application was filed on February 12, 2004, without an executed oath or declaration. In an accompanying application data sheet, Satoshi Harada, Edward Hume, James Willis, Kevin Chamness, Hieu Lam, Hongyu Yue and David Fatke were named as joint inventors. Accordingly, on May 10, 2004, a "Notice to File Missing Parts of Nonprovisional Application" was mailed, requiring an executed oath or declaration and a surcharge for its late filing. (In addition, the Notice required payment of the statutory basic filing fee and additional claim fees).

In response, rule 47 applicant filed inter alia the instant petition (and fee); the late surcharge; and a declaration executed by joint inventors Harada, Hume, Willis, Chamness, Lam and Yue on behalf of themselves and on behalf of non-signing joint inventor David Fatke. This response was made timely by an accompanying petition for extension of time for response within the third month (and fee). Rule 47 applicant maintains that status under 37 CFR 1.47 is proper because joint inventor David Fatke has refused to join in the application.

By statement of patent attorney Jeffrey Karceski, rule 47 applicants have shown that inventor Fatke has, by his conduct, refused to join in the application. In support thereof, rule 47 applicants submitted copies of the cover letters forwarding the application papers to the inventor and of the signed certified mail receipt acknowledging receipt of those papers at the inventors' last known address.

The petition includes the last known address of non-signing inventor Fatke.

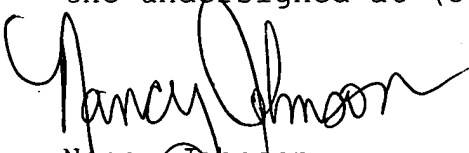
The declaration filed September 28, 2004, and the petition have been reviewed and found in compliance with 37 CFR 1.47(a).

This application is hereby accorded Rule 1.47(a) status.

As provided in new Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

The Office of Initial Patent Examination (OIPE) has been advised of this decision. The application will be examined in due course.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3219.



Nancy Johnson
Senior Petitions Attorney
Office of Petitions



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Mr. David Fatke
8000 Davis Mountain Cove
Austin, TX 78726

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Application No. 10/776,452 :
Filed: February 12, 2004 :
Attorney Docket No. 071469-0307698 :
Title: METHOD FOR AUTOMATIC :
CONFIGURATION OF PROCESSING SYSTEM :

Dear Mr. Fatke:

You are named as a joint inventor in the above-identified United States patent application filed under the provisions of 35 U.S.C. 116 (United States Code) and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63. However, no action on your part is required for this patent to issue with you as a named inventor.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Nancy Johnson at (571) 272-3219. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

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